

United States District Court

for the

Eastern District of WashingtonFILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON**Feb 10, 2022**

SEAN F. McAVOY, CLERK

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Jerry Lee Everett, III

Case Number: 0980 2:16CR00151-TOR-1

Address of Offender: [REDACTED], Spokane, Washington 99208

Name of Sentencing Judicial Officer: The Honorable Thomas O. Rice, United States District Judge

Date of Original Sentence: February 20, 2018

Original Offense: Possession with Intent to Distribute 50 Grams or More of Actual (Pure) Methamphetamine,
21 U.S.C. § 841(a)(1), (b)(1)(A)(viii)Original Sentence: Prison - 66 Months; Type of Supervision: Supervised Release
TSR - 60 Months

Asst. U.S. Attorney: Patrick J. Cashman Date Supervision Commenced: October 5, 2021

Defense Attorney: Federal Public Defender Date Supervision Expires: October 4, 2026

PETITIONING THE COURT

To incorporate the violation(s) contained in this petition in future proceedings with the violation(s) previously reported to the Court on 01/24/2022.

The probation officer believes that the offender has violated the following condition(s) of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
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3	
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	<u>Mandatory Condition #3:</u> You must refrain from any unlawful use of a controlled substance. You must submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.
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Supporting Evidence: Mr. Everett is alleged to have violated mandatory condition number 3 by ingesting methamphetamine on or about January 25, 2022, based on positive urinalysis testing.

On October 8, 2021, Mr. Jerry Lee Everett, III, signed his conditions relative to case number 2:16CR00151-TOR-1, indicating he understood all conditions as ordered by the Court. Specifically, Mr. Everett was made aware by his U.S. probation officer that he was required to refrain from the use of illicit substances.

Specifically, on January 25, 2022, Mr. Everett reported to the U.S. Probation Office in Spokane, to submit to urinalysis testing, as previously directed. Mr. Everett proceeded to provide a urinalysis sample for testing that reflected as presumptive positive for methamphetamine. Mr. Everett denied recent use to the collecting officer and the sample was subsequently forwarded to the lab for verification. Mr. Everett was later contacted on the day

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in question by the undersigned officer telephonically, at which time the client adamantly denied recent use, indicating should the sample return positive, any presence of the drug would only be residual from his previous use of the substance as occurring on or about January 20, 2022, and reported to the Court in the petition dated January 24, 2022.

On February 5, 2022, the results of laboratory testing were received by the U.S. Probation Office in Spokane, which confirmed the sample provided by Mr. Everett as being positive for methamphetamine. Given the proximity of the dates as described, and the client's previous statement of residual amounts of the substance remaining in his system, an expert opinion was sought from Alere Toxicology on the matter. On February 10, 2022, the final and formal report as written by the director of toxicology was received by the undersigned officer. The report concludes that methamphetamine will normally clear in one's urine in approximately 48-72 hours. Based on the amount of time the client continued to test positive after the initial collection on January 20, 2022, the lack of sufficient decrease in the level of the drug present in the urine specimen collected on January 25, 2022, and considering the normal elimination pattern of methamphetamine from the urine, it was the parties' opinion that the client reused methamphetamine prior to the urinalysis collected on January 25, 2022.

The U.S. Probation Office respectfully recommends the Court to incorporate the violation(s) contained in this petition in future proceedings with the violation(s) previously reported to the Court.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: February 10, 2022

s/Chris Heinen

Chris Heinen
U.S. Probation Officer

THE COURT ORDERS

- ☐ No Action
- ☐ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☒ The incorporation of the violation(s) contained in this petition with the other violations pending before the Court.
- ☐ Defendant to appear before the Judge assigned to the case.
- ☒ Defendant to appear before the Magistrate Judge.
- ☐ Other



Thomas O. Rice
United States District Judge

February 10, 2022

Date